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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Telephone Number Portability

CC Docket No. 95-116

**REPLY IN SUPPORT OF
PETITION FOR RECONSIDERATION**

There was little opposition to Bell Atlantic's¹ requests that the Commission revise two aspects of its number portability cost recovery plan.

1. Only AT&T and Vanguard commented on Bell Atlantic's request that the Commission modify section 52.33(a)(1)(A) of its Rules to permit an incumbent LEC to assess a monthly number portability charge on Feature Group A lines purchased by carriers, not just on such lines bought by "end users," as that Rule now permits.²

AT&T says it does not oppose Bell Atlantic's request, as long as the LEC "provides the underlying number portability functionality" for those lines.³ It is not clear exactly what AT&T means by this. A Feature Group A line (purchased by an end user or a carrier) connects to the end office switch and uses that switch in the same way as an ordinary end user line and, like an end user line, has a ten-digit telephone number which can be portable. If the switch is number portability

¹ The Bell Atlantic telephone companies are Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc.; New York Telephone Company and New England Telephone and Telegraph Company.

² 47 C.F.R. § 52.33(a)(1)(A).

³ AT&T at 12.

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capable, then the LEC is “providing the underlying number portability functionality” for the Feature group A line. The carrier buying that line — just like the end user buying the same service — could switch to another LEC providing that service and keep the same telephone number. There is no reason the carrier should not pay the surcharge, just like the end user.

Vanguard does not really articulate a basis for its opposition, beyond saying that Bell Atlantic’s proposal “would permit the ILECs to recover LNP costs through interstate access charges, albeit indirectly.”⁴ The label that’s on the service should not determine whether the number portability charge applies to that service. The test adopted by the Commission is whether the telephone number associated with the line is capable of being ported to another carrier.⁵ Feature Group A lines satisfy that test.

2. Only AT&T opposes Bell Atlantic’s request that the Commission reconsider its decision about the level of number portability surcharges Bell Atlantic may assess on PBX trunks and Centrex lines. AT&T’s objection appears to be that it would be required to pay one full number portability surcharge if it bought an unbundled port from a LEC to serve a Centrex customer, while the incumbent LEC would only be charging that same Centrex customer 1/9 of a surcharge.⁶ But the Commission’s rules do not work that way, and AT&T’s concern is, therefore, misplaced. Section 52.33(a)(1)(B) allows the LEC to impose “the same” surcharge on unbundled ports “as if the incumbent local exchange carrier were serving those carriers’ end users.” Therefore, if AT&T bought an unbundled port to serve a Centrex customer, it would pay only 1/9 of a surcharge, just like the Centrex customer.

⁴ Vanguard at 5.

⁵ *Third Report and Order* ¶¶ 142, 146.

⁶ AT&T at 11.

3. No commentor opposes Bell Atlantic's petition to allow it to charge the N-1 carrier for all the additional use of Bell Atlantic's network involved in an database query made from the end office.


4. Only TRA opposes Bell Atlantic's petition to allow it to recover general overheads through its query service rates. Its argument is that the query services "are not like other services because they are part of a statutorily-mandated mechanism to promote competition."⁷ Even if true,⁸ this observation is besides the point, as there is no reason not to allow the recovery of these real costs through a service just because the service is "pro-competitive." Moreover, these query services are not "monopoly" services that only incumbent local exchange carriers do or can provide, and other companies are providing similar services. There should be no reason for the Commission to want to keep the prices of LEC-provided query services artificially low and no policy reason not to allow Bell Atlantic to recover its overhead costs through them.

⁷ TRA at 6.

⁸ The ability to port telephone numbers may well promote competition, but these query services do not — fewer telephone numbers would not be ported if there were no query services. Under the model adopted by the Commission, it is the job of the N-1 carrier to perform the database lookup. The LECs' query services are offered to fill the gap when these carrier do not do their job themselves.

For these reasons and those stated in its petition, Bell Atlantic respectfully requests the Commission reconsider its decision and modify its regulations accordingly.

Respectfully submitted,



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